
State Government & Tribal Affairs
Committee

HB 1729

Brief Description: Concerning the enhancement of legislative web sites.

Sponsors: Representatives Carlyle, Pedersen, Hunt, Ericks, Crouse, Hunter, Haler, White, Dunshee, Seaquist, Liias, Takko, Anderson, Kelley, Goodman, Eddy, Jacks, Van De Wege, Roberts, Orwall, Upthegrove, Rolfes, Hasegawa, Moeller, Wallace, Priest, Dickerson, Hudgins, Darneille, Appleton, Kenney, Conway and Nelson.

Brief Summary of Bill

- Creates an exception to the State Ethics Law to allow internet links on official legislative websites to non-legislative websites and materials.

Hearing Date: 2/3/09

Staff: Tracey O'Brien (786-7196)

Background:

State ethics laws and legislative ethics rules prohibit the use of any person, money or property under a legislator's official control or direction or his or her official custody for the private benefit or gain of the legislator. However, there are exceptions to this prohibition for the occasional use, of de minimis cost and value and if the use does not interfere with the proper performance of public duties. The Legislative Ethics Board as general rules interpreting the exceptions. For example, if there is no actual cost to the state or the cost is de minimis, if there is a public benefit, and if the use does not interfere with the performance of official duties, then infrequent and incidental use of state resources for private benefit may be permissible.

In addition, a legislator may not use or authorize the use of state facilities, directly or indirectly, for the purpose of assisting a campaign for election of a person to office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a legislator with the authority to

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direct, control or influence the actions of the state officer or state employee using the public resources constitutes a violation. Facilities of an agency can include stationery, office space, publications, and use of state employees. Among the exceptions to this prohibition: a legislator may use state facilities for activities that are part of the normal and regular conduct of the office; and he or she may have de minimis use of public facilities incidental to the preparation or delivery of communications.

Summary of Bill:

Legislators may establish links to non-legislative websites on their official legislative website. A legislator or legislative employee shall not be held responsible under the state ethics laws for the non-legislative material found on the non-legislative website in cases where the links are established from their official legislative website. However, an official legislative website cannot link to a website paid for by a candidate or a political committee.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.